

1 MITCHELL D. GLINER, ESQ.  
2 Nevada Bar #003419  
3 3017 W. Charleston Blvd., #95  
4 Las Vegas, NV 89102  
5 (702) 870-8700  
(702) 870-0034 Fax  
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

7 JASON KENNEDY, )

8 )  
9 Plaintiff, )

10 vs. )

11 HARRIS & HARRIS, LTD., a Foreign Corporation )

12 Defendant. )  
13 )

No. 2:20-cv-

**COMPLAINT**

**JURY DEMANDED**

**JURISDICTION**

15 1. The jurisdiction of this Court attains pursuant to the FDCPA, 15 U.S.C.  
16 § 1692k(d), 28 U.S.C. § 1331 and 28 U.S.C. § 1332. Venue lies in the Southern Division of the  
17 Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant(s) perpetrated  
18 therein.

**PRELIMINARY STATEMENT**

20 2. This action is instituted in accordance with and to remedy Defendant's violations  
21 of the Federal Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter  
22 "FDCPA").

23 3. In 2020, Defendant initiated a campaign of abusive, unfair, unreasonable, and  
24 unlawful debt collection activity directed against Plaintiff in Las Vegas, Nevada.

25 4. As a result of these and other violations of law, Plaintiff seeks hereby to recover  
26 actual and statutory damages together with reasonable attorney's fees and costs.  
27  
28

PARTIES

5. Plaintiff, Jason Kennedy, is a natural person who resides in Las Vegas, Nevada, and is a "consumer" as defined by 15 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by 15 U.S.C. Section 1692a(5).

6. Defendant, Harris & Harris, Ltd., is a foreign corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Chicago, IL, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. Section 1692a(6).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, realleges and asserts all factual allegations contained in the preliminary statement to this Complaint and reasserts them as incorporated in full herein.

8. On January 30, 2020 Defendant dunned Plaintiff for \$5,886.00.

9. On February 24, 2020 Plaintiff wrote Defendant advising of his refusal to pay (Exhibit 1).

10. Exhibit 1 explicitly references Plaintiff's alleged obligation to *Spring Valley Hospital Medical Center*.

11. Defendant received Exhibit 1 on March 2, 2020 (Exhibit 2).

12. Notwithstanding, on March 16, 2020 Defendant again dunned Plaintiff.

13. Plaintiff's written refusal to pay required Defendant cease and desist all collection communications in accordance with FDCPA § 1692c(c):

(c) **Ceasing communication** - *If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt.*

1           14. Defendant's March 16, 2020 demand was made in violation of FDCPA §§ 1692c  
2 and 1692d. *Cruz v. International Collection Corp.*, 673 F.3d 991, 998 (9<sup>th</sup> Cir. 2012).

3           15. Plaintiff's work is only *intermittently* available.

4           16. As a result, Plaintiff advised Defendant of his refusal to pay.

5           17. Virtually all of Plaintiff's resources are devoted to the care of his young son.

6           18. The natural consequence of Defendant's subsequent contact was to harass,  
7 oppress and abuse Plaintiff in violation of FDCPA § 1692d. *Clark v. Capital Credit &*  
8 *Collection Services*, 460 F.3d 1162, 1176 (9<sup>th</sup> Cir. 2006).

9           19. Plaintiff has suffered meaningful emotional distress including, but not limited to,  
10 excessive worry, frustration, sleeplessness, anger, humiliation, embarrassment, chagrin and other  
11 mental anguish as a direct result of Defendant's conduct. *McCollough v. Johnson, Rodenburg &*  
12 *Lauinger, LLC*, 637 F.3d 939, 957 (9<sup>th</sup> Cir. 2011).

13           20. The foregoing acts and omissions of Defendant were undertaken by it willfully,  
14 maliciously, and intentionally, knowingly, and/or in gross or reckless disregard of the rights of  
15 Plaintiff.

16           21. Indeed, the foregoing acts and omissions of Defendant were undertaken by it  
17 indiscriminately and persistently, as part of its regular and routine debt collection efforts, and  
18 without regard to or consideration of the identity or rights of Plaintiff.

19           22. As a proximate result of the foregoing acts and omissions of Defendant, Plaintiff  
20 has suffered actual damages and injury, including, but not limited to, stress, humiliation, mental  
21 anguish and suffering, and emotional distress, for which Plaintiff should be compensated in an  
22 amount to be proven at trial.

23           23. As a result of the foregoing acts and omissions of Defendant, and in order to  
24 punish Defendant for its outrageous and malicious conduct, as well as to deter it from  
25 committing similar acts in the future as part of its debt collection efforts, Plaintiff is entitled to  
26 recover punitive damages in an amount to be proven at trial.

27 ///

28 ///

CAUSES OF ACTION

COUNT I

24. The foregoing acts and omissions of Defendant constitute violations of the FDCPA, including, but not limited to, Sections 1692c, 1692d and 1692e.

25. Plaintiff is entitled to recover statutory damages, actual damages, reasonable attorney's fees, and costs.

JURY DEMANDED


Plaintiff hereby demands trial by a jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

1. Award actual damages.
2. Award punitive damages.
3. Award statutory damages of \$1,000 pursuant to 15 U.S.C. § 1692k.
4. Award reasonable attorney fees.
5. Award costs.
6. Grant such other and further relief as it deems just and proper.

DATED: March 30, 2020

Respectfully submitted,

  
MITCHELL D. GLINER, ESQ.  
Nevada Bar #003419  
3017 W. Charleston Blvd., #95  
Las Vegas, NV 89102  
Attorney for Plaintiff

**February 24, 2020**

**Via Certified Mail**

**Harris & Harris, Ltd.  
PO Box 5462  
Chicago, IL 60680-5462**

**Re: Kennedy, Jason/Spring Valley Hospital Medical Center**

**Dear Sir,**

**I've reviewed your recent correspondence. I lack adequate income. My few resources are focused on survival including the care of my young son. This is neither a request for validation nor dispute, but rather, a refusal to pay. I will most certainly let you know if anything changes. Thank you in advance for your anticipated courtesy.**

**Sincerely,**

**Jason Kennedy**

**EXHIBIT 1**

# USPS Tracking®

FAQs >

## Track Another Package +

### Track Packages Anytime, Anywhere

Get the free Informed Delivery® feature to receive automated notifications on your packages

[Learn More](#)

(https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action)

**Tracking Number:** 70190700000034059104

[Remove X](#)

Your item has been delivered and is available at a PO Box at 10:21 am on March 2, 2020 in CHICAGO, IL 60680.

### ✓ Delivered

March 2, 2020 at 10:21 am  
Delivered, PO Box  
CHICAGO, IL 60680

[Get Updates](#) ✓

Text & Email Updates



Tracking History



Product Information



[See Less](#) ^

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

[FAQs](#)

EXHIBIT 2